

Exhibit 4

1
2 UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

3 -----X
YINET SANTOS,

4
5 PLAINTIFF,

Case No.

-against-

16-CV-6947 (PGG)

6
7 MHG-45, L.L.C., d/b/a THE HOLIDAY
INN EXPRESS NEW YORK CITY FIFTH
8 AVENUE, and YALILA ATARIHUA and
ROBERT INDEGLIA, individually,
9 DEFENDANTS.

-----X

10
11 DATE: June 1, 2017

12 TIME: 10:54 A.M.

13
14 STATEMENT in the above-entitled
15 matter, held at the offices of Littler
16 Mendelson P.C., 900 Third Avenue, New
17 York, New York 10022, before Aylette
18 Gonzalez, a Notary Public of the State
19 of New York.

20
21
22 BY: AYLETTE GONZALEZ

23 JOB NO: 124828
24
25

1

2 A P P E A R A N C E S:

3

4 LITTLER MENDELSON

5 Counsel for Defendants

6 900 Third Avenue

7 New York, New York 10022

8 BY: HOUSTON STOKES, ESQ,

9

10

11 ALSO PRESENT:

12 MANUEL GARCIA, Videographer

13

14 * * *

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1 STATEMENT (6/1/17)

2 (Exhibit A, Amended Notice of
3 Deposition of Plaintiff Yinet Santos
4 was marked for identification, as of
5 this date.)

6 (Exhibit B, e-mail dated 5/31/2017
7 was marked for identification, as of
8 this date.)

9 MR. STOKES: Good morning.

10 Houston Stokes on behalf of Defendant 10:53
11 MHG-45 LLC. and Defendant Yalila
12 Atarihua.

13 Let the record reflect that it is
14 10:54 a.m. on June 1, 2017. We are
15 here for the deposition upon oral 10:54
16 examination of plaintiff, Yinet
17 Santos, pursuant to Federal Rule of
18 Civil Procedure 30.

19 I'm introducing as Exhibit A, the
20 Amended Notice of Deposition of 10:54
21 Plaintiff, Yinet Santos, which was
22 properly served upon Jacob Aronauer on
23 behalf of Santos, as memorialized and
24 certified in the Certificate of
25 Service attached to the Amended Notice 10:54

1 STATEMENT (6/1/17)

2 of Deposition.

3 The Amended Notice of Deposition
4 of Plaintiff Yinet Santos is dated
5 May 22, 2017, and provides that
6 plaintiff Santos' deposition will take
7 place today, June 1, 2017, at 9:30
8 a.m.

9 Yesterday, May 31, 2017, at
10 12:54 p.m., I sent an e-mail to
11 Mr. Aronauer advising him that
12 defendant planned to proceed with the
13 noticed deposition of plaintiff Santos
14 today.

15 I'm introducing as Exhibit B, my
16 e-mail sent to Mr. Aronauer on May 31,
17 2017, at 12:54 p.m. Plaintiff Santos
18 and Mr. Aronauer have not appeared for
19 today's noticed deposition. I have
20 not received any notices from
21 plaintiff Santos or Aronauer stating
22 they are late or otherwise intending
23 to appear today for the deposition.

24 In addition, I called
25 Mr. Aronauer's office at roughly

10:54

10:54

10:55

10:55

10:55

1 STATEMENT (6/1/17)

2 10:40 a.m. this morning and was told
3 that he is currently unavailable.

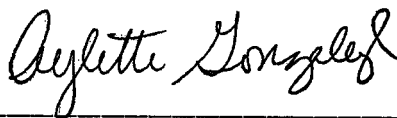
4 Accordingly, I'm memorializing for the
5 record plaintiff Santos' failure to
6 appear at today's properly noticed
7 deposition. Defendants will make an
8 appropriate motion to the court
9 seeking sanctions against plaintiff
10 Santos and other further relief as the
11 court deems just and proper.

12 This concludes the record for
13 today.

14 (TIME NOTED: 10:56 p.m.)
15
16

17 I, AYLETTE GONZALEZ, a Notary
18 Public for and within the State of New
19 York, do hereby certify that the above
20 is a correct transcription of my
21 stenographic notes.

22 DATED: 6-1-2017

23 

24 AYLETTE GONZALEZ
25

STATEMENT (6/1/17)

E X H I B I T S

EXHIBITS:

| EXHIBIT | DESCRIPTION | PAGE |
|-----------|-----------------------------------------------------------|------|
| EXHIBIT A | Amended Notice of Deposition of Plaintiff Yinet Santos | 3 |
| EXHIBIT B | E-Mail dated 5/31/2017 | 3 |

(Original exhibits attached.)

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

YINET SANTOS,

Plaintiff,

-against-

MHG-45, L.L.C., d/b/a THE HOLIDAY INN
EXPRESS NEW YORK CITY FIFTH AVENUE, and
YALILA ATARIHUA and ROBERT INDEGLIA,
individually,

Defendants.

Case No. 16-CV-6947 (PGG)

**AMENDED NOTICE OF
DEPOSITION
OF PLAINTIFF YINET SANTOS**

PLEASE TAKE NOTICE that, pursuant to Rule 30 of the Federal Rules of Civil Procedure, Defendant MHG-45, L.L.C., d/b/a The Holiday Inn Express New York City Fifth Avenue ("Defendant"), by and through its attorneys, Littler Mendelson, P.C., will take the deposition upon oral examination of Plaintiff Yinet Santos, herein, before a notary public or other person authorized to administer oaths, at the law offices of Littler Mendelson, P.C., located at 900 Third Avenue, New York, NY 10022 on June 1, 2017 beginning at 9:30 a.m., and continuing day to day thereafter until completed.

PLEASE TAKE FURTHER NOTICE that, pursuant to Rule 30(b)(3) of the Federal Rules of Civil Procedure, the aforementioned deposition shall be recorded by sound, visual, and/or stenographic means.

Dated: May 22, 2017

LITTLER MENDELSON, P.C.
Attorneys for Defendants

By: _____

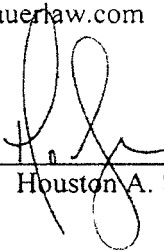
Houston A. Stokes
900 Third Avenue
New York, New York 10022
Telephone: (212) 583-9600



CERTIFICATE OF SERVICE

I hereby certify that on May 22, 2017, I caused a copy of the foregoing Defendant MHG-45, L.L.C.'s Amended Notice of Deposition of Plaintiff Yinet Santos to be served via email and U.S. Mail upon the following:

Jacob Aronauer
The Law Offices of Jacob Aronauer
225 Broadway Suite 307
New York, NY 10007
212-323-6980
Fax: 212-233-9238
jaronauer@aronauerlaw.com



Houston A. Stokes

Stokes, Houston A.

From: Stokes, Houston A.
Sent: Wednesday, May 31, 2017 12:54 PM
To: 'Jacob Aronauer'
Subject: RE: Yinet santos Deposition Notice

Jacob,

Plaintiff Santos' deposition was properly noticed for June 1. We intend to move forward with the deposition.

Regards,
Houston

From: Jacob Aronauer [<mailto:jaronauer@aronauerlaw.com>]
Sent: Thursday, May 25, 2017 1:36 PM
To: Stokes, Houston A.
Subject: Yinet santos Deposition Notice

You have not given me sufficient notice--June 1st is not realistic and against the FRCP rules.

Jacob Aronauer, Esq.
The Law Offices of Jacob Aronauer
225 Broadway, 3rd Floor
New York, New York 10007
(P) (212) 323-6980
(F) (212) 233-9238

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To reply to our email administrator directly, please send an email to jaronauer@aronauerlaw.com.

The Law Office of Jacob Aronauer

